

(Pub. L. 88-449, §15, Aug. 19, 1964, 78 Stat. 499.)

#### § 4616. Exclusive right to name

The corporation shall have the sole and exclusive right to use and to authorize the use of the name "National Tropical Botanical Garden."

(Pub. L. 88-449, §16, Aug. 19, 1964, 78 Stat. 499; Pub. L. 100-539, §1, Oct. 28, 1988, 102 Stat. 2718.)

#### AMENDMENTS

1988—Pub. L. 100-539 substituted "National Tropical Botanical Garden" for "Pacific Tropical Botanical Garden".

#### § 4617. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter is expressly reserved to the Congress.

(Pub. L. 88-449, §17, Aug. 19, 1964, 78 Stat. 499.)

### CHAPTER 79—THEODORE ROOSEVELT ASSOCIATION

Sec.	
4701.	Corporation created.
4702.	Name and powers of corporation.
4703.	Purpose of corporation.
4704.	Board of trustees; powers.
4705.	Prohibition against issuance of stock or payment of dividends.
4706.	Reservation of right to amend or repeal chapter.
4707.	Consolidation.

#### § 4701. Corporation created

Lawrence F. Abbott, Lyman Abbott, Carl E. Akeley, Earl Akers, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, Jacob L. Babler, Charles S. Barrett, John Barrett, E. C. Bartlett, R. Livingston Beekman, Albert J. Beveridge, William C. Bobbs, Charles J. Bonaparte, Evangeline Booth, Desha Breckenridge, Henri Brown, J. A. A. Burnquist, John Burroughs, Marion LeRoy Burton, Kenyon L. Butterfield, William P. Bynum, Thomas E. Campbell, Robert D. Carey, Irving A. Caswell, Thomas L. Chadbourne, Robert R. Church, junior, Ernest F. Cochran, William W. Cocks, Henry Waldo Coe, Russell J. Coles, Austen Colgate, Frederick L. Collins, E. C. Converse, Willis C. Cook, George B. Cortelyou, O. W. Coursey, William H. Cowles, John S. Cravens, Thomas J. Crittenden, H. P. Cross, Walter Damrosch, S. C. Dell, Cleveland H. Dodge, T. Coleman du Pont, Milton H. Esberg, Albert B. Fall, Sylvanus M. Ferris, Simeon D. Fess, John H. Finley, William S. Fleming, Charles W. Folds, Rufus E. Foster, Lyman J. Gage, Thomas Frank Gailor, James A. Gallivan, Halbert P. Gardner, James R. Garfield, Arthur L. Garford, Nelson H. Gay, James W. Gerard, James Gibbons, Mary A. Gibson, Will H. Gibson, William Ball Gilbert, William A. Glasgow, junior, Martin H. Glynn, George W. Goethals, Frank R. Gooding, James P. Goodrich, Theodore F. Green, John C. Greenway, Lloyd C. Griscom, Frank W. Gunsaulus, Hermann Hagedorn, Grant P. Hall, Edward J. Hanna, Ole Hanson, Chester Harding, Judson Harmon, B. F. Harris, Albert Bushnell Hart, George Harvey, James H. Hawley, Will H. Hays, George C. Hazelett, A. T. Hert, Frederick C. Hicks, Frank J. Hogan, Elon

H. Hooker, O. K. Houck, Clark Howell, R. B. Howell, William Dean Howells, Charles E. Hughes, Arthur M. Hyde, Harold L. Ickes, William P. Jackson, Alfred J. Johnson, Hiram W. Johnson, Lewis Y. Johnson, Otto H. Kahn, Frank B. Kellogg, George N. Keniston, William S. Kenyon, Henry W. Kiel, John T. King, Paul H. King, Earle S. Kinsley, Irwin R. Kirkwood, Frank Knox, Philander C. Knox, Florence Bayard La Farge, Alexander Lambert, Franklin K. Lane, Albert D. Lasker, John N. Lightbourn, Curtis H. Lindley, Henry D. Lindsley, Colin H. Livingstone, Henry Cabot Lodge, William Loeb, junior, Pierre Lorillard, junior, S. H. Love, Frank O. Lowden, A. Lawrence Lowell, Anna Maud Lyon, William McAdoo, C. N. McArthur, Charles Wylie McClure, J. M. McCormick, Ruth Hanna McCormick, Henry B. McCoy, W. N. McGill, James J. McGraw, Gavin McNab, C. H. McNider, Henry F. MacGregor, Norman E. Mack, Clarence H. Mackay, William T. Manning, T. Frank Manville, Thomas A. Marlow, Victor H. Metcalf, Herman A. Metz, Charles R. Miller, C.P.J. Mooney, J. H. Morron, Dwight W. Morrow, Robert R. Moton, Guy Murchie, Michael J. Murray, Truman H. Newberry, Samuel D. Nicholson, Lewis Nixon, John I. Nolan, Peter Norbeck, Alton B. Parker, John M. Parker, Thomas Patterson, F. S. Peabody, George Wharton Pepper, Leroy Percy, George W. Perkins, Gifford Pinchot, Samuel Platt, Miles Poindexter, Jeter C. Pritchard, Mason F. Prosser, William H. Putnam, R. Lansing Ray, C. F. Reavis, Elisabeth Mills Reid, H. L. Rimmel, Rush Rhees, Raymond Robins, Prescott W. Robinson, Elihu Root, John C. Rose, Julius Rosenwald, Erskine M. Ross, John A. Sargent, Charles Scribner, Mary Frances Severance, William W. Sewall, John C. Shaffer, Leslie M. Shaw, Louis P. Sheldon, Harry F. Sinclair, Thomas F. Smith, M. P. Snyder, William C. Sproul, William Spry, Frank C. Steinhart, William D. Stephens, Percy S. Stephenson, Philip B. Stewart, Henry L. Stimson, Marshall Stimson, Warren S. Stone, Oscar S. Strauss, Mark Sullivan, Patrick Sullivan, J. T. Swift, William Howard Taft, Joseph O. Thompson, William Boyce Thompson, John W. Towle, Wallace Townsend, William J. Tully, George Turner, R. E. Twitchell, Grace Vanderbilt, George H. Vincent, Harriet E. Vittum, Aug. H. Vogel, Henry C. Wallace, Zeb V. Walser, T. H. Wannamaker, David Warfield, Charles B. Warren, Henry Watterson, Benjamin Ide Wheeler, Henry J. Whigham, Wallace H. White, junior, Albert H. Wiggin, James Wilson, Leonard Wood, Luke E. Wright, William Wrigley, junior, and Robert J. Wynne, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

(May 31, 1920, ch. 216, §1, 41 Stat. 691.)

#### § 4702. Name and powers of corporation

The name of this corporation shall be Theodore Roosevelt Association, and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for its corporate purposes, and to receive real and personal property by gift, devise, or be-

quest; to give and dedicate such property to public agencies and purposes; to adopt a seal and the same to alter at pleasure; to hold its corporate meetings within or without the District of Columbia, as the board of trustees of the corporation shall determine; to have offices and conduct its business affairs within or without the District of Columbia, and in the several States, Territories, and possessions of the United States; to make and adopt a constitution, by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this chapter and promote the purposes of said corporation.

(May 31, 1920, ch. 216, §2, 41 Stat. 692; May 21, 1953, ch. 63, §1, 67 Stat. 27.)

#### AMENDMENTS

1953—Act May 21, 1953, substituted “Theodore Roosevelt Association” for “Roosevelt Memorial Association”.

#### CHANGE OF NAME

Section 2 of act May 21, 1953, provided that: “Any law heretofore enacted by the Congress and now in effect which refers to said Roosevelt Memorial Association shall hereafter be deemed to refer to such Association by its new name, Theodore Roosevelt Association.”

### § 4703. Purpose of corporation

The purpose of this corporation shall be to perpetuate the memory of Theodore Roosevelt for the benefit of the people of the United States of America and of the world, and to that end, but without restriction to the objects enumerated below, to solicit, receive, hold, and maintain a fund or funds, and to apply the principal thereof and income therefrom to any one or more of the following objects:

(1) The erection and maintenance of a suitable and adequate monumental memorial in the city of Washington, District of Columbia, to the memory of Theodore Roosevelt;

(2) The acquisition, development, and maintenance of a public park in memory of Theodore Roosevelt in the town of Oyster Bay, New York;

(3) The establishment and maintenance of an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people.<sup>1</sup>

(4) The donation of real and personal property, including part or all of its endowment fund, to a public agency or public agencies for the purpose of preserving in public ownership historically significant properties associated with the life of Theodore Roosevelt.

(May 31, 1920, ch. 216, §3, 41 Stat. 693; July 25, 1962, Pub. L. 87-547, §6, 76 Stat. 217.)

#### AMENDMENTS

1962—Par. (4). Pub. L. 87-547 added par. (4).

### § 4704. Board of trustees; powers

The property and affairs of the corporation shall be managed and directed by a self-perpet-

uating board of trustees. The following-named persons shall constitute the first board of trustees: Lawrence Abbott, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, R. Livingston Beeckman, Austen Colgate, E. C. Converse, John S. Cravens, T. Coleman du Pont, John H. Finley, James R. Garfield, Mrs. Frank A. Gibson, James P. Goodrich, Lloyd C. Griscom, Hermann Hagedorn, Judson Harmon, George Harvey, Will H. Hays, A. T. Hert, Frederick C. Hicks, Elon H. Hooker, Charles E. Hughes, Hiram W. Johnson, Otto H. Kahn, Frank B. Kellogg, Irwin R. Kirkwood, Mrs. C. Grant La Farge, Franklin K. Lane, Henry D. Lindsley, Henry Cabot Lodge, William Loeb, junior, Mrs. Medill McCormick, James J. McGraw, Clarence H. Mackay, Dwight W. Morrow, George W. Perkins, Gifford Pinchot, Mrs. Whitelaw Reid, Raymond Robins, Elihu Root, Julius Rosenwald, Mrs. C. A. Severance, Harry F. Sinclair, Philip B. Stewart, Henry L. Stimson, Warren S. Stone, Oscar S. Straus, Mark Sullivan, William Boyce Thompson, Henry C. Wallace, Albert H. Wiggin, Luke E. Wright, William Wrigley, junior, and Leonard Wood.

The board of trustees shall have the power to adopt from time to time a constitution, by-laws, rules, and regulations for the selection of their successors, for the admission to membership in the corporation, for the election of officers of the corporation, and in general for the conduct of the affairs of the corporation, and may alter, amend, or repeal the same.

(May 31, 1920, ch. 216, §4, 41 Stat. 693.)

### § 4705. Prohibition against issuance of stock or payment of dividends

Said corporation will have no power to issue certificates of stock or to declare or pay dividends, but it is organized and shall be operated exclusively for educational purposes, and no part of its earnings, income, or funds will inure to the benefit of any member or individual.

(May 31, 1920, ch. 216, §5, 41 Stat. 693.)

### § 4706. Reservation of right to amend or repeal chapter

Congress shall have the right to repeal, alter, or amend this chapter at any time.

(May 31, 1920, ch. 216, §6, 41 Stat. 694.)

### § 4707. Consolidation

This corporation shall have the power at any time to consolidate with Women's Theodore Roosevelt Memorial Association, Incorporated, a nonstock and nonprofit corporation organized and existing under the New York membership corporations law, so as to form a single surviving corporation which shall be this corporation. The corporate entity, existence and name of this corporation shall continue unchanged after the consolidation.

The consolidation shall not be effected unless the agreement for consolidation is approved by act of the trustees of this corporation, who shall be the members of the corporation entitled to vote with respect to consolidation.

Such trustees may act on any question respecting the consolidation by a resolution adopted by two-thirds of those present at any

<sup>1</sup> So in original. The period probably should be “; and”.

meeting of the board of trustees at which a quorum of ten is present. Written notice of the time, place, and purposes of such meeting shall be sent to each trustee at his last known address appearing on the books of the corporation by first-class mail, postage prepaid, at least ten days prior to the meeting.

The consolidation shall be effected in the manner prescribed in this section and in the New York membership corporations law and shall become effective when a certificate of consolidation is filed pursuant to said law.

(May 31, 1920, ch. 216, §7, as added Mar. 29, 1956, ch. 102, 70 Stat. 60.)

#### **CHAPTER 80—82ND AIRBORNE DIVISION ASSOCIATION, INC.**

Sec.	
4801.	Recognition as corporation and grant of Federal charter.
4802.	Powers of corporation.
4803.	Objects and purposes of corporation.
4804.	Service of process.
4805.	Membership.
4806.	Board of directors.
4807.	Officers.
4808.	Restrictions.
	(a) Distribution of income or assets to members.
	(b) Loans.
	(c) Political activities.
	(d) Issuance of stock; dividends.
	(e) Claim of approval or authorization.
4809.	Liability for acts of officers and agents.
4810.	Books and records; inspection.
4811.	Annual report.
4812.	Reservation of right to amend or repeal charter.
4813.	"State" defined.
4814.	Tax-exempt status.
4815.	Failure to comply with restrictions or provisions.

##### **§ 4801. Recognition as corporation and grant of Federal charter**

The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

(Pub. L. 101-510, div. A, title XVI, §1601, Nov. 5, 1990, 104 Stat. 1736.)

##### **§ 4802. Powers of corporation**

The 82nd Airborne Division Association, Incorporated (hereinafter in this chapter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

(Pub. L. 101-510, div. A, title XVI, §1602, Nov. 5, 1990, 104 Stat. 1736.)

##### **§ 4803. Objects and purposes of corporation**

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

- (1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for this Nation;
- (2) furthering the common bond between retired and active members of the 82nd Airborne Division;

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members of the 82nd Airborne Division;

(4) promoting civic and patriotic activities; and

(5) promoting the indispensable role of airborne defense to the national security of the United States.

(Pub. L. 101-510, div. A, title XVI, §1603, Nov. 5, 1990, 104 Stat. 1736.)

##### **§ 4804. Service of process**

With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

(Pub. L. 101-510, div. A, title XVI, §1604, Nov. 5, 1990, 104 Stat. 1737.)

##### **§ 4805. Membership**

(a) Subject to subsection (b) of this section, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

(Pub. L. 101-510, div. A, title XVI, §1605, Nov. 5, 1990, 104 Stat. 1737.)

##### **§ 4806. Board of directors**

The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 101-510, div. A, title XVI, §1606, Nov. 5, 1990, 104 Stat. 1737.)

##### **§ 4807. Officers**

The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 101-510, div. A, title XVI, §1607, Nov. 5, 1990, 104 Stat. 1737.)

##### **§ 4808. Restrictions**

###### **(a) Distribution of income or assets to members**

No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.